

AGENDA



Thursday, January 15, 2009

Law
RECOMMENDATION FOR COUNCIL ACTION**Item No. 26**

Subject: Authorize negotiation and execution of an amendment to legal services agreement with Scott, Douglass & McConnico, L.L.P., in connection with litigation, and litigation support services, including expert witnesses, related to Archer Western Contractors, Ltd. v. City of Austin, Cause No. D-1-GN-07-001790, 201st District, in an amount of \$1,600,000 for a total contract amount not to exceed \$3,338,500.

Amount and Source of Funding: Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility.

Fiscal Note: A fiscal note is attached.

For More Information: Gordon Bowman, Assistant City Attorney, 974-2346 or Anne Morgan, 974-2507.

Prior Council Action: March 9, 2006, Council approved \$568,500. November 29, 2007 Council approved \$1,170,000.

Scott, Douglass & McConnico, L.L.P., represents the City in litigation with Archer Western Contractors, Ltd., arising out of the Ullrich Water Treatment Plant Expansion Project. Archer Western sued the City for approximately \$20 million dollars. We anticipate this will be the last increase in the outside counsel budget. The scope of the work includes: litigation and litigation support services, including expert witnesses, legal research, drafting of pleadings and written discovery, depositions, motions, mediation, and trial.